

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Harrisonburg Division**

In Re: Darryl Wilder Bates

Case No. 16-50009  
Chapter 13

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U.S. BANK TRUST NATIONAL  
ASSOCIATION, AS TRUSTEE OF  
BUNGALOW SERIES F TRUST,  
Movant

vs.

Darryl Wilder Bates, Debtor  
Herbert L Beskin, Trustee  
Respondent(s)

**CONSENT ORDER AND STIPULATION MODIFYING AUTOMATIC STAY**

This matter is scheduled to be heard before the court on May 2, 2018, on the Notice of Failure to Comply with Consent Order letter of U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE OF BUNGALOW SERIES F TRUST, Movant, filed by its attorney, Dinh Ngo, Esq., for the relief from the automatic stay with respect to the property secured by the Deed of Trust dated April 27, 2005 and recorded amount the land records of County of Shenandoah, Virginia, and which encumbers the property of the Debtor at 3102 Headley Road, Maurertown, Virginia 22644, and more particularly described as follows:

Dinh Ngo, Esq.  
McCabe, Weisberg & Conway, LLC  
312 Marshall Avenue, #800  
Laurel, MD 20707  
VSB #85661  
301.490.1196  
*bankruptcyva@mwc-law.com*

**ALL THAT** certain lot or parcel of land, with all improvements thereon, lying and being situate in the Johnston Magisterial District, Shenandoah County, Virginia, and being new Lot 6, as adjusted of the Althea P. Bauserman Estate Division, containing 21.499 acres, more or less;

The original Lot 5 of the Althea P. Bauserman Estate Division, contained 15.069 acres, more or less, as shown on a plat and survey made by James B. Walsh, Jr., L.S., entitled "Preliminary and Final Plat of the Althea P. Bauserman Estate Division", dated July 6, 1999, and recorded in the Clerk's Office of the Circuit Court of Shenandoah County, Virginia in Deed Book 867, Page 729. Said plat of survey also described Lot 6 of said division as containing 16.899 acres, more or less;. The said original Lot 5, containing 15.069 acres, more or less, was conveyed to the Grantor by deed dated June 18, 2001, from Peter Hayward Hentzel and recorded in the aforesaid Clerk's Office in Deed Book 931, Page 291.

The original Lot 6 was conveyed to the Grantor by deed dated October 14, 1999, from Lanny H. Bauserman, et als, and recorded in the aforesaid Clerk's office in Deed Book 873, Page 30;

The Grantor subsequently re-subdivided said Lot 5 and Lot 6 as shown with more particularity on a plat of survey by James B. Walsh, Jr., L.S., entitled "Division Survey of a Portion of Lot 5 in the Althea P. Bauserman Estate Division", dated July 3, 2001, and recorded in the aforesaid Clerk's Office in Deed Book 987, at Page 443. The result of said re-subdivision was that new Lot 5 contained a new acreage of 10.469 acres, more or less, which was conveyed from the Grantor to Stephen F. Palmerton and Victoria J. Palmerton, by deed dated August 29, 2002, and recorded in the aforesaid Clerks Office in Deed Book 1000, at Page 149, and the remaining acreage of Lot 5 being 4.600 acres, more or less, was added and become an integral part of Lot 6 with a new acreage for Lot 6 of 21.499 acres, more or less. The said new Lot 6 containing 21.499 acres, more or less, is the real estate conveyed herein;

This conveyance is made together with a forty foot (40') right of way for ingress and egress to and from State Route 600 with the real estate conveyed herein. Said right of way is shown with more particularity on the aforesaid Walsh "Preliminary and Final Plat of the Althea P. Bauserman Estate Division,".

Upon consideration of which, it is

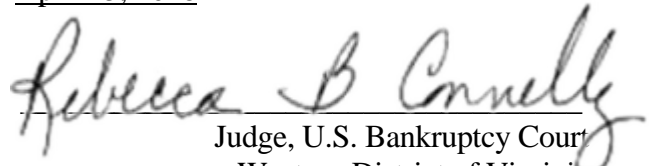
## **ORDERED**

1. The Debtor will resume making regular monthly installment payments in the amount of \$1,341.71 as they become due commencing on June 1, 2018.
2. The Debtors shall cure the post-petition arrearage currently due to the Movant from April 2018 through May 2018 in the total amount of \$2,364.84, which includes current bankruptcy legal fees and costs of \$50.00 and is less a suspense balance of \$368.58, by making the following payments:

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- a. \$2,364.84 on or before May 2, 2018. This payment will be self-funded by the Debtor. The Trustee will have no obligation to pay.
3. In the event that the Debtor fails to (a) comply with the terms of this order, or (b) timely deliver, or cause to be delivered, any payment on or before the date required by this order or the plan, the Debtor consents to the termination of the automatic stay of 11 U.S.C. Section 362(a) effective on the May 3, 2018, and acknowledges that after May 3, 2018, the court the Movant may commence or resume foreclosure proceedings, under the terms and provisions of the Note and Deed of Trust referenced above. If relief is granted on June 15, 2018, Debtor waives the 14 day stay thereafter. The Creditor will submit separate order to the Order.
4. The automatic stay is modified to permit the Noteholder or servicing agent to send the debtor payment coupons, payment statements or invoices, notices of late payment, notices of payment changes, notices of servicing transfers, or any other notice, other than a notice of acceleration or demand for payment of the entire balance, normally sent to customers in the ordinary course of business.

DONE at **Harrisonburg**, Virginia, Dated: April 25, 2018

  
Judge, U.S. Bankruptcy Court  
Western District of Virginia

SEEN AND CONSENTED TO:

/s/ Dinh Ngo, Esq.

Dinh Ngo, Esq

McCabe, Weisberg & Conway, LLC

312 Marshall Avenue, #800

Laurel, MD 20707

VSB #85661

301.490.1196

*Attorney for Movant*

/s/ John Paul Goetz

John Paul Goetz, Esq.

John Goetz Law, PLC

86 W. Shirley Avenue

Warrenton, VA 20186

Telephone: (540) 359-6505

*Attorney for Debtor*

(by Dinh Ngo, Esq. with permission from John Paul Goetz, Esq. based on FAX/email)

X /s/ Dinh Ngo

Dinh Ngo, Esq.

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SEEN:

/s/ Herbert L. Beskin

Herbert L Beskin(82)

PO BOX 2103

Charlottesville, VA 22902

Telephone (434) 817-9913

*Trustee*

(by Dinh Ngo, Esq. with permission from

Herbert L Beskin, Trustee based on FAX/email)

X /s/ Dinh Ngo

## **PARTIES TO RECEIVE COPIES**

Darryl Wilder Bates

3102 Headley Road

Maurertown, VA 22644

Copies will be sent electronically via the CM/ECF system to John Paul Goetz, Esq., Attorney for Debtor and Herbert L Beskin(82), Trustee.

Dinh Ngo, Esq.

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